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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,803	03/06/2002	Michael William Pfeiffer	STL10526	8382

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Intellectual Property - COL2LGL  
389 Disc Drive  
Longmont, CO 80503

EXAMINER

SOHN, SEUNG C

ART UNIT

PAPER NUMBER

2878

DATE MAILED: 04/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/091,803

Applicant(s)

PFEIFFER ET AL.

Examiner

Seung C. Sohn

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. ***Claims 1-9 and 12-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Codilian et al. (Patent No. US 6,091,564).***

**Referring to claim 1**, Codilian et al. discloses the step of using at least one index mark (Fig. 20, 621) associated to the disc (12).

**Referring to claim 2**, Colilian et al. shows in Fig. 20 that the step of using includes detecting at least one index mark on the disc (Col. 14, lines 13-16).

**Referring to claim 3**, Colilian et al. shows in Fig. 20 that the step of using includes rotating the disc (12) until the at least one index mark is detected (Col. 14, lines 13-16).

**Referring to claim 4**, Colilian et al. discloses the step of rotating the disc (12) to an offset angle (Col. 13, lines 44-47).

**Referring to claim 5**, Colilian et al. discloses the step of writing information to the disc (Col. 14, lines 10-11).

**Referring to claim 6**, Colilian et al. shows in Fig. 20 that the index mark (621) has an identifying configuration.

**Referring to claim 7**, Colilian et al. shows in Fig. 20 that the disc includes another associated index mark.

**Referring to claim 8**, Colilian et al. shows in Fig. 20 that the index marks (621) form an identifying pattern.

**Referring to claim 9**, Colilian et al. discloses that the disc has a magnetic storage capability (Col. 14, lines 13-16).

**Referring to claim 12**, Colilian et al. shows in Fig. 20 the following elements of Applicant's claim:

- a) at least one physical property (A\* and B\* spiral bands); and
- b) at least one index mark (621) associated to the at least one physical property (Col. 14, lines 6-10).

**Referring to claim 13**, Colilian et al. discloses that the disc has at least two index marks (Col. 14, lines 11-13).

**Referring to claim 14**, Colilian et al. discloses that the disc has magnetic storage capability (Col. 14, lines 13-16).

**Referring to claim 15**, Colilian et al. shows in Fig. 20 that the at least one index mark has a distinguishable appearance.

**Referring to claim 16**, Colilian et al. shows in Fig. 20 that the at least two index marks have an identifying pattern.

**Referring to claim 17**, Colilian et al. discloses that the disc is included in a disc drive and the disc is alignable according to the at least one index mark (Col. 15, lines 11-17).

**Referring to claim 18**, Colilian et al. discloses that the disc (Fig. 1, 12) is included in an apparatus that includes a plurality of the discs, the discs alignable according to the at least one index mark of each of the discs (Col. 15, lines 11-17).

**Referring to claim 19**, Colilian et al. discloses that the apparatus is a disc drive (Col. 2, lines 19-21).

3. ***Claims 10-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Salisbury et al. (Patent No. US 6,041,703).***

**Referring to claim 10**, Salisbury et al. discloses the following steps of Applicant's claim:

- a) determining at least one index mark (Fig. 4, 80) on each of at least two discs (Fig. 6, 92) (Col. 6, lines 28-32);
- b) aligning the discs according to the marks (Col. 7, lines 11-20); and
- c) performing a one of a group consisting of stacking and identifying the aligned discs (Col. 7, lines 22-29).

**Referring to claim 11**, Salisbury et al. discloses the step of writing information to the aligned discs (Col. 7, lines 22-24).

#### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Nguyen et al. (Patent No. US 6,009,063)** discloses a universal portable minidisk drive system.

**Buske et al. (Patent Pub. No. US 2002/0181150 A1)** discloses a multi-disc writer system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung C. Sohn whose telephone number is (703) 308-4093. The examiner can normally be reached on Monday through Friday from 8:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (703) 308-4852. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

SCS

SCS  
April 1, 2003

  
KEVIN PYO  
PRIMARY EXAMINER